

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE SPECIALTY)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO: 2:06-CV-336-MHT
)
DARRYL D. FINCH, et al.,)
)
Defendants.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), attorneys for the plaintiff, Progressive Specialty Insurance Company ("Progressive"), contacted the defendant, Darryl Finch ("Finch"), on October 2, 2006, to conduct the parties' planning meeting. Finch advised that he was feeling ill and that he was unprepared to discuss particular dates concerning discovery and the trial of this case. Since that date, repeated attempts to contact Finch have been unsuccessful. Therefore, Progressive filed its own report.

2. Pre-Discovery Disclosures. The parties will exchange by December 1, 2006, the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

3. Discovery Plan. Progressive proposes to the court the following discovery plan:

a. Discovery will be needed on the facts of the accident and the existence of insurance coverage, if any, by Progressive.

b. Discovery shall be commenced in time to be completed by March 30, 2007.

c. Maximum of 25 interrogatories including sub-parts by each party to any other party. Responses due 30 days after service.

d. Maximum of 10 requests for admission by each party to any other party. Responses due 30 days after service.

e. Maximum of four depositions by plaintiffs and four depositions by defendant.

f. Reports from retained experts under Rule 26(a)(2) are due:

Plaintiffs by February 15, 2007.

Defendant by March 15, 2007.

g. Supplementation under Rule 26(e) due 30 days before trial.

4. Other Items.

a. Progressive does not request a conference with the court before entry of the scheduling order.

b. Progressive requests a pretrial conference in March 2007.

c. Progressive shall be allowed until February 15, 2007 to join additional parties and amend the pleadings.

d. Defendant shall be allowed until February 28, 2007 to join additional parties and amend the pleadings.

e. All potentially dispositive motions shall be filed by March 30, 2007.

f. Settlement cannot be evaluated at this time. Progressive does not believe that any coverage existed under the facts of this case.

g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiffs at least 45 days before trial and from defendant at least 30 days before trial.

h. The parties shall have 5 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

i. The case should be ready for trial by April 1, 2007. The trial is expected to take two days.

/s/ R. Larry Bradford

R. Larry Bradford, Attorney for Plaintiff
Progressive Specialty Insurance Company
Attorney Bar Code: BRA039

OF COUNSEL:

Bradford & Sears, P.C.
2020 Canyon Road
Suite 100
Birmingham, AL 35216
(205) 871-7733

CERTIFICATE OF SERVICE

I hereby certify that I have this the 7th day of November, 2006 served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Mr. Darryl D. Finch
3347 Wells Road
Montgomery, Alabama 36108

/s/ R. Larry Bradford
Of Counsel